

BRIEFING FOR REGIONAL ADMINISTRATOR (7/14/2016)
Superfund Technical Assistance Grants
Criteria for Expiring 15+ Year Old TAGs

Background:

A Superfund Technical Assistance Grant (TAG) is available to any qualified community group at any superfund site and is regulated under 40 CFR Part 35 Subpart M and the Agency's TAG guidelines. The Region's TAGs were historically managed out of the Superfund Program Support Unit but were transferred in 2014 to the Public Affairs and Involvement Program (PAI). Since taking over responsibility of the grants, the PAI Program has established a process to assess whether some of the grants that have been in place for a long period of time (15 years or more) should be evaluated when they are due to expire as to whether they should be renewed, closed and announced again, or closed. In looking at the Region's open TAGs, we are considering the following criteria/questions as part of our evaluation based on TAG and grant legal requirements, policy and guidance.

Criteria for Expiring 15+ Year Old TAGs

- Is the TAG group maintaining a representative membership of the community according to the TAG guidance? What is the current membership? How do they come together as a group? Are the meetings open to the public?
- Is the recipient complying with all administrative requirements specified in the terms and conditions of the grant agreement and 40 CFR 35 Subpart M? - i.e. updating registration with sam.gov on an annual basis, submitting yearly Federal Financial Reports and Disadvantaged Business Enterprise Reports?
- Are they maintaining their non-profit status with the secretary of state as required by 40 CFR Part 35 Subpart M (§35.4045)?
- Do they comply with TAG programmatic requirements - i.e. turning in timely quarterly progress reports, contributing a group match (20%) towards the project and submitting reimbursement as they occur?
- Is the TAG group disseminating information to the community at-large according to TAG guidance about site activities and is the information accurate?
- Is the TAG group maintaining a Technical Advisor, one of the primary purposes for receiving a TAG grant?
- Has there been new grant regulation, guidance put in place since the grant's inception, and is the grantee meeting any new regulation and guidance?
- Does the TAG group manage the funds for its intended use per 40 CFR Part 35 Subpart M (§35.4075) which includes a number of restrictions to consider including political activity and lobbying, TAG member travel, generation of new primary data such as well drilling and testing, including split sampling and reopening or challenging EPA final decisions.
- Lastly, is there an EPA option that would meet the needs of the interested community but be less of a burden on the community to manage such as the Technical Assistance Services for Communities contract?

As grants come to expire, the Region will be using the above criteria and expectations set in the TAG regulation and TAG award documents to review all grants and determine if continuity of the grant is warranted.

In addition to reviewing TAGs that have been in place for a long period, the PAI Program has also set up a process by which there is ongoing communications with existing TAG grantees to ensure compliance with the grant and that the Grantee is submitting required information in a timely manner. The PAI Program has implemented the following processes:

- Quarterly reminder to the Grantee as to the status of the TAG including what is coming due and what is overdue.
- Annual Newsletter covering frequently asked questions and any new grant guidelines and/or requirements that have changed.
- Coordinating TAG refresher trainings.